Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1 (Currently Amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information that includes user preferences arranged in hierarchical levels including at least a first level and a second level where said second level of said user preferences includes preferences descriptive of one or more preferences of said first level at a finer level of detail, wherein said first level includes preferences that together encompass all preferences of said second level, and wherein at least one of said preferences is at a first level and at least two of said preferences are at a second level;

    (b)   receiving program information corresponding to said at least one of said audio and video, where said program information comprises attributes each corresponding to a respective one of said user preferences, where said program information attributes include hierarchical levels including at least a first level and a second level where said second level of said program information attributes includes attributes descriptive of one or more attributes in said first level at a finer level of detail, wherein said first level includes attributes that together encompass all attributes of said second level, and wherein at least one of said program information attributes is at a first level and at least two of said program information attributes is at a second level;

    (c)   determining <u>automatically</u> the desirability <u>to a user</u> of said at least one of said audio and video based upon jointly processing attributes of at least said first level <u>of said hierarchical levels of said program information with</u> ~~and~~ said second level of said hierarchical levels of said program information attributes and jointly processing preferences of at least said first level <u>of said hierarchical levels of said</u> <u>user attribute information with</u> ~~and~~ said second level of said hierarchical levels of said user attribute information, wherein said preferences <u>each respectively</u>

~~selectively~~ include data <u>selectively</u> indicative of at least a first, a second, and a third option;

(i) said first option including ~~a preference~~ <u>data</u> indicative of the positive desirability of <u>the respective said preference</u> ~~said at least one of audio and video~~;

(ii) said second option including ~~a preference~~ <u>data</u> indicative of non-desirability of <u>the respective said preference</u> ~~said at least one of audio and video~~; <u>and</u>

(iii) said third option including ~~a preference~~ <u>data</u> indicative of indifference <u>to the respective said preference</u> ~~desirability, being neither said positive or non-desirability, of said at least one of audio and video~~; <u>and</u>

(d) wherein ~~said~~ desirability <u>of said at least one of said audio and video</u> is increased based upon <u>any included program attribute corresponding to a preference that has data indicative of</u> said first option, ~~said~~ desirability <u>of said at least one of said audio and video</u> is decreased based upon <u>an included program attribute corresponding to a preference that has data indicative of</u> said second option, and ~~said~~ desirability ~~remains the same based upon~~ <u>of said at least one of said audio and video is unaffected by any included program attribute corresponding to a preference that has data indicative of</u> said third option.

2 (Original). The method of claim 1 wherein said first option is a non-binary preference value.

3 (Original). The method of claim 1 wherein said second option is a non-binary preference value.

4 (Original). The method of claim 1 wherein said first option is positive preference value.

5 (Original). The method of claim 1 wherein said second option is a negative preference value.

6 (Original). The method of claim 1 wherein said preferences are adjustable by a user.

7 (Original). The method of claim 1 wherein said preferences include at least one default value.

8 (Original). The method of claim 7 wherein said preferences are adjustable by a user.

9 (Original). The method of claim 1 wherein said determining results in a value.

10 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information that includes a plurality of preferences arranged in hierarchical levels including at least a first level and a second level where said second level of said user preferences includes preferences descriptive of one or more preferences of said first level at a finer level of detail, wherein said first level includes preferences that together encompass all preferences of said second level, and wherein at least one of said preferences is at a first level and at least two of said preferences are at a second level;

    (b)   receiving a first plurality of program information corresponding to said at least one of said audio and video, where said plurality of said first program information includes attributes each corresponding to a respective one of said user preferences, where said attributes of said first program information includes hierarchical levels so that data at a second level is included with data at a first level, wherein said first level includes attributes that together encompass all attributes of said second level, wherein at least one attribute of said first program information is at a first level and at least two attributes of said first program information is at a second level dependent upon said at least one attribute of said first program information at said first level;

    (c)   receiving a second plurality of program information corresponding to said at least one of said audio and video, where said plurality of said second program information includes attributes each corresponding to a respective one of said user

preferences, where said attributes of said plurality of said second program information includes hierarchical levels so that data at a second level is included with data at a first level, wherein at least one attribute of said second program information is at a first level and at least two attributes of said second program information is at a second level dependent upon said at least one attribute of said second program information at said first level; and

(d)   determining <u>automatically</u> the desirability of said at least one of said audio and video based upon jointly processing attributes of at least said first level <u>of said hierarchical levels of said program information with</u> ~~and~~ said second level of said hierarchical levels of said program information and jointly processing preferences of at least said first level <u>of said hierarchical levels of said user attribute information with</u> ~~and~~ said second level of said hierarchical levels of said user attribute information to determine a relative ranking between said first program attribute information and said second program attribute information.

11 (Original). The method of claim 10 wherein said determining the desirability includes:

(a)   calculating a first ranking value for said first program attribute information;

(b)   calculating a second ranking value for said second program attribute information; and

(c)   determining said relative ranking based upon said first ranking value and said second ranking value.

12 (Canceled).

13 (Original). The method of claim 10 wherein said determining the desirability includes and operation where,

(a)   said first program attribute information includes a first attribute and free from a second attribute;

(b)   said second program attribute information includes said first attribute and said second attribute; and

    (c)   said determining said relative ranking indicates said second program as more desirable than said first program.

14 (Original). The method of claim 10 wherein said determining the desirability includes and operation where,

    (a)   said first program attribute information includes a first attribute and free from a second attribute;

    (b)   said second program attribute information includes said first attribute and a relatively smaller presence of said second attribute in comparison to said first attribute; and

    (c)   said determining said relative ranking indicates said second program as more desirable than said first program.

15 (Currently amended). The method of claim 10 wherein said determining the desirability includes and operation where[,]:

    (a)   said first program attribute information includes a first attribute and a second attribute, where said second attribute has a first relatively smaller presence than said first attribute in said first program;

    (b)   said second program attribute information includes said first attribute and said second attribute, where said second attribute has a second relatively smaller presence than said first attribute in said second program, where said first relatively smaller presence is smaller than said second relatively smaller presence; and

    (c)   said determining said relative ranking indicates said second program as more desirable than said first program.

16-24 (Canceled).

25 (Currently amended). A method for selecting at least one of audio and video comprising:

(a)   receiving hierarchical user attribute information comprising user preferences, wherein said user preferences include a plurality of preference values, wherein at least one of said user preferences is at a first level and at least two of said user preferences is at a second level where said second level of said user preferences includes preferences descriptive of one or more preferences of said first level at a finer level of detail;

(b)   receiving hierarchical program attribute information corresponding to said at least one of an audio and a video, so that said hierarchical levels of said program attribute information include data at a second level included with data at a first level, wherein said first level includes attributes that together encompass all attributes of said second level, and wherein at least one of said program attribute information is at a first level and at least two of said program attribute information is at a second level dependent upon said at least one of said program attribute information at said first level; and

(c)   jointly processing data of at least said first level <u>of said hierarchical levels of said program attribute information with</u> ~~and~~ said second level of said hierarchical levels of said program attribute information and jointly processing preferences of at least said first level <u>of said hierarchical levels of said user preferences with</u> ~~and~~ said second level of said hierarchical levels of said user preferences to evaluate said user attribute information and said program attribute information to <u>automatically</u> determine:

    (i)   a first score when a portion of said user attribute information matches a portion of said program attribute information and said first score is based at least in part upon one of said preference values;

    (ii)   a second score when another portion of said user attribute information matches another portion of said program attribute information and said second score is based at least in part upon one of said preference values;

    (iii)   a composite score based, at least in part, upon said first score and said second score.

26 (Previously presented). The method of claim 25 wherein said evaluating is free from combining multiple preference values into a single composite preference value.

27 (Previously presented). The method of claim 25 wherein a said composite score is determined for a plurality of said videos, and said video are ranked based, at least in part, upon said composite scores.

28 (Previously presented). The method of claim 25 wherein said composite score is determined free from comparing said first score and said second score.

29-49 (Canceled).

50 (Currently amended). A method for selecting at least one of audio and video comprising:

    (a)   receiving user attribute information corresponding to user preferences, wherein said preferences include negative preferences, wherein at least one of said user preferences is at a first level and at least two of said user preferences is at a second level where said second level of said user preferences includes preferences descriptive of one or more preferences of said first level at a finer level of detail;

    (b)   receiving program attribute information corresponding to said at least one of a first audio and first video, wherein at least one of said program attribute information is at a first level and at least two of said program attribute information is at a second level dependent upon said at least one of said program attribute information at said first level wherein said first level includes attributes that together encompass all attributes of said second level;

    (c)   receiving program attribute information corresponding to said at least one of a second audio and second video; and

    (d)   jointly processing preferences of at least said first level of said hierarchical levels of said program attribute information with and said second level of said hierarchical levels of said program attribute information and jointly processing preferences of at least said first level of said hierarchical levels of said user

<u>attribute information with</u> ~~and~~ said second level of said hierarchical levels of said
user attribute information to rank said at least one of said first audio and first
video, and, said at least one of said second audio and second video, in response to
receiving said user attribute information and said program attribute information
for said at least one of said first audio and first video, and, said at least one of said
second audio and second video, at least in part, upon said negative preferences,
wherein said negative preference results in decreasing said ranking to a lower
level than would have resulted had said negative preference not been included.

51 (Previously presented). The method of claim 50 wherein said ranking determines said
first video as more desirable for said user than said second video.

52 (Previously presented). The method of claim 51 wherein said ranking determines said
second video as more desirable for another user than said first video.

53 (Previously presented). The method of claim 50 wherein said ranking is in a
relativistic manner.

54-56 (Canceled).

57 (Currently amended). A method for selecting at least one of audio and video
comprising:

    (a)   receiving user attribute information corresponding to user preferences, wherein
said user attribute information includes a plurality of preferences, wherein said
preferences include hierarchical levels so that data at a second level is included
with data at a first level, wherein at least one of said preferences is at a first level
and at least two of said preferences is at a second level dependent upon said at
least one of said preferences at said first level wherein said first level includes
preferences that together encompass all preferences of said second level;

    (b)   receiving program attribute information corresponding to said at least one of an
audio and video, wherein at least one of said program attribute information is at a

first level and at least two of said program attribute information is at a second level dependent upon said at least one of said program attribute information at said first level;

(c) jointly evaluating said first level <u>of said hierarchical levels of said program attribute information with</u> ~~and~~ said second level of said hierarchical levels of said program attribute information and processing preferences of at least said first level <u>of said hierarchical levels of said program information with</u> ~~and~~ said second level of said hierarchical levels of said user attribute information to evaluate said user attribute information and said program attribute information by:

   (i) determining a first value based upon, at least in part, <u>whether</u> a first ~~a~~ portion of said user attribute information matches a portion of said program attribute information, and

   (ii) determining a second value based upon, at least in part, <u>whether</u> a second portion of said user attribute information matches a portion of said program attribute information;

(d) <u>if at least one of said first value or said second value indicates non-desirability of said at least one of audio and video,</u> discarding said at least one of said audio and video[,] in response to receiving said user attribute information and said program attribute information for said at least one of said audio and video, as a desirable said at least one of audio and video for said user ~~based upon if at least one of said first value or said second value indicates non-desirability of said at least one of audio and video~~;

(e) if said at least one of audio and video is not discarded as a result of step (d) then determining a third value based upon, at least in part, said first value and said second value.

58 (Canceled).

59 (Previously presented). The method of claim 57 wherein said evaluating is based upon an AND operation.

60 (Currently amended). A method for selecting at least one of audio and video comprising:

(a) receiving user attribute information corresponding to user preferences, wherein said user attribute information includes hierarchical levels, wherein said user attribute information includes a plurality of preferences, wherein said user information includes said hierarchical levels so that data at a second level is included with data at a first level, wherein said first level includes preferences that together encompass all preferences of said second level wherein at least one of said preferences of said user attribute information is at a first level and at least two said preferences of said user attribute information is at a second level dependent upon said at least one said preference of said user attribute information at said first level;

(b) receiving program attribute information corresponding to said at least one of an audio and a video, wherein at least one attribute of said program attribute information is at a first level and at least two attributes of said program attribute information are is at a second level, said attributes of said program attribute information each associated with a respective preference of said user attribute information, dependent upon said at least one of said program attribute information at said first level wherein said first level includes at least one attribute preferences that together encompass all attributes preferences of said second level; and

(c) jointly evaluating preferences of at least said first level of said hierarchical levels of said program attribute information with and said second level of said hierarchical levels of said program attribute information and processing jointly evaluating preferences of at least said first level of said hierarchical levels of said user attribute information with and said second level of said hierarchical levels of said user attribute information to evaluate said at least one of said audio and video, in response to receiving said user attribute information and said program attribute information based upon,

(i) a first set of a plurality of preferences wherein said first set is evaluated based upon a first operator;

     (ii)   a second set of a plurality of preferences wherein said second set is evaluated based upon a second operator;

     (iii)   wherein said first set and said second set are evaluated independent of the number of preferences of said first set and said second set.

61 (Previously presented). The method of claim 60 wherein at least one of said first operator and said second operator is an "OR" function.

62 (Previously presented). The method of claim 60 wherein said first operator and said second operator are "OR" functions.

63 (Previously presented). The method of claim 60 wherein said first set and said second set depend from the same preference within said hierarchy.

64 (Previously presented). The method of claim 63 wherein said first set and said second set have a different number of preferences.

65-69 (Canceled).